



## **OUR PRIVACY NOTICE FOR VENDORS/SELLERS AND PURCHASERS/BUYERS**

### **OUR INFORMATION**

Name of Estate/Letting Agent: Grays Estate Agents  
Address: 126 Oak Farm Road, Bournville, Birmingham B30 1EU  
Telephone Number: 0121 – 623 - 7011  
Email address: info@graysea.co.uk  
Date: 25/05/18

### **What this Notice is about**

This Privacy Notice tells you what information we obtain and hold about you whether you are initially enquiring to us regarding either selling/buying/viewing a property via ourselves. It explains what information we collect, why we collect it, and what we do with it, as well as who we share it with. We collect and handle personal information about our vendors/buyers in order for us to provide the appropriate services. This includes providing: appropriate property details, marketing properties, arranging viewings, obtaining feedback following viewings, taking/reporting offers, checking financial information/requirements, complying with

Money Laundering Regulations/Fraud Prevention, conveyancers, surveyors, dealing with any complaints and maintaining our accounts and records.

We call this information “your information”. It is also referred to as “data”.

Where this notice is given to more than one person it is given to each of you separately.

You should read this notice when you give us information, so you are aware of how and why we are using this. Please ensure you update us if any information supplied by you changes whilst a relationship exists between us.

### **Why we are giving you this notice**

We are required by data protection law to give you this notice. We must be open with you about why information is collected about you and then what is done with it. We must act fairly in relation to this information. You have various legal rights relating to this information which are spelt out in more detail in this notice.

If you are already a vendor or buyer some of the items in this notice may not be relevant to you.

In order that we can collect or use information about you there must be a legal basis or gateway for doing so. This notice identifies the relevant gateway for the various types of information we collect and hold about you. A detailed explanation of these gateways is given in this notice.

Under data protection legislation we can only process data “as necessary” and only to the extent that it is needed. For example, we can use your bank details regarding payments and other limited purposes only. However, in certain instances, as necessary, we can share any of your data, e.g. with our own professional advisers. We may also share any of your data, as necessary, with the police/law enforcement agencies or regulatory authorities.

### **The data we collect/hold about you**

We use different ways to collect data about you including the information you supply to us when applying for a property for sale via ourselves. If you fail to provide this information we may not be able to proceed.

As necessary personal data is processed by us consisting of the following as applicable: -

- Identity and contact details
- Personal/background information
- Bank details
- Verification and credit status
  
- Complaints
- Insurance
- Emails texts and other communications and via our website where we operate one.
- Website and online portal information.

We also generate and use data internally, e.g. our client/property records.

We also collect and receive data about you from third parties.

Public bodies such as local authorities or the police, or other law enforcement agencies may give us information about you.

We may also receive information from you via websites or from online sales portals such as Zoopla, Prime Location, Gumtree or Rightmove. Any information which we receive in this way is set out in the Table to this privacy notice which gives you more details about information which we can receive from third parties.

### **Sharing data with others**

We will share information we hold with others, where this is necessary. When we do this, we must comply with data protection legislation. Information can be shared with vendors, buyers, conveyancers, mortgage lenders/financial institutions, surveyors, conveyancers. It may be necessary for us to share information with a future owner of the property if we are instructed to sell. If you live in a flat we give information to the freeholder, managing agent etc, for the block of flats. What we share will depend on what is necessary in the circumstances and more details are given in the Table in respect of different kinds of information which we hold about you.

### **Money Laundering Regulations**

This means that you are legally obliged to produce certain documentation (e.g. Not only are we required to see original documentation, but we must take and keep copies of it. We also

check this documentation as part of our process to verify your identity at the outset of the buying/sales process.

### **Search engines, websites, etc**

As necessary, we obtain information about you which is publicly available via search engines such as Google or Facebook and websites. This will include information about you which you yourself made public. Further details are set out in the Table. However, when doing so we make sure that we comply with applicable guidelines under data protection legislation.

### **Special categories of data/sensitive personal data**

In limited situations we will process information about your health or any disability. This data is given special protection under data protection law. Normally we would expect to ask you for your explicit consent before we collect or use this kind of data.

### **Why we collect data and the legal basis for processing your personal data**

We must tell you why we collect and hold information about you.

We must also have a legal basis before we are allowed to collect or process your personal data. Processing personal data includes recording, storing, altering, using, sharing or deleting data. We only need one of these “gateways” and for our purposes they are –

- You consent. Consent may be requested in certain cases, e.g. to obtain a reference but generally we do not rely on your consent to process your personal data.
- To perform our contract so that we can carry out our responsibilities under the agency agreement with the seller, in addition, including anything you request us to do with a view to you purchasing a property.
- Compliance by us with a statutory or other legal obligation.
- Where this is in your vital interests, e.g. if there is a life-threatening situation.
- Where we are pursuing our own legitimate interests or those of a third party. This will not apply if our interests are overridden by your interests or your fundamental rights and freedoms. We must carry out a balancing exercise therefore to decide whether we can rely on this gateway to ensure that it applies. In each case we have done this

and we do not consider your interests, rights or freedoms outweigh our own or those of the third party concerned.

This notice identifies the relevant gateway applicable in each case. In some cases, we will rely on more than one gateway depending on the particular purpose for which we are using your data.

Additionally, any data must be processed by us fairly and openly.

### **Why we process your data**

The various purposes for which it may be necessary for us to process various categories of your information include: -

- Our legal obligation to check and verify identities
- Register you as a new customer and provide property updates
- Provide personal information to a vendor, buyer or their conveyancers
- Provide/receive personal information from mortgage lender/broker/financial consultant/surveyor
- In our legitimate interests to make any suggestions about any services that may be of interest to you
- For contractual performance and/or in our legitimate interests for record keeping
- For contractual performance or in our legitimate interests for recovering debts and other payments due, including any possession proceedings
- In our legitimate interests for processing complaints
- In our legitimate interests for obtaining and holding audio and recordings
- To perform our legal obligations to provide information to public or local authorities who are legally entitled to require this information
- In our legitimate interests for the storage of emails, records of calls and other communications
- In accordance with our legal obligations if you exercise your rights under data protection law
- To perform our legal obligations for compliance with legal and regulatory requirements
- In our legitimate interests for the establishment and defence of legal rights

- In our legitimate interests for prevention, detection and investigation of crime and anti-social behaviour and the security of any website or other means of electronic communication

We may change the purposes where this is compatible for the purpose for which we obtained the data originally. If we need to use your data for a non-compatible purpose we will notify you and explain the legal gateway that allows us to do so. We may process your information without your knowledge where this is required or permitted by law.

More information about what we do with data and why, along with the relevant legal gateway is given in the Table. This also tells you who we share data with and receive it from.

### **Retaining Communications**

We will monitor, record and retain your calls, emails, text messages, social media messages and other communications. This is in our legitimate interests to maintain an accurate record of these. This may be necessary to deal with the property transaction or to deal with your application for. We need these records for our ongoing dealings with you, including our data protection obligations.

### **Length of storage of data**

Data can only be stored on a time limited basis and not indefinitely. We will hold personal data about you for the duration of the property sales transaction and for the statutory six years after the transaction has ended. We are also required to retain information for up to six years for tax purposes.

### **Storage and security of data**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

All our information is stored securely electronically on servers or devices. Certain information is also retained on a secure basis in hard copy format.

## **Telephone calls**

To protect our legitimate interests telephone conversations may be recorded electronically for monitoring and to ensure that we have a record of what is said. You or others may leave messages when calling.

## **Holding data outside the European Union**

Our email account and web provider (if any) is the provider specified in the Table. Our email account is web based. Providers store related data internationally and not necessarily within the European Union. The recipient of this data is the provider concerned. You need to refer to the provider concerned to determine if they have the required clearance (adequacy decision) from the EU authorities or whether or not, instead, there is an agreement containing appropriate and suitable safeguards and to obtain a copy of this agreement.

## **Your rights**

Where we hold personal data about you, you are the data subject. Data protection legislation gives you a number of rights. To exercise any of these rights you should contact us. You can do so by email at the address given above or you can telephone us on the number given above. You can also write to us at our address given at the top of this notice. Normally no fee is payable.

In particular you have a right to object to the processing of your information where we are processing this in our own legitimate interests or those of someone else. This applies if you feel that this impacts on your own interests or your fundamental rights or freedoms.

These rights are as follows –

- Access – you have the right to make a request to be told what personal data we hold about you. This is a right to obtain confirmation that data has been processed and to have access to your personal data and the right to information details which should be provided with the privacy notice.
- Correction/Rectification – if you consider any data we hold about you is inaccurate you can tell us so that where appropriate this can be corrected. Where a mistake is made in data processing then you can ask to have it rectified. Any third parties who have

received the data from us should then be told of the rectification and you should be informed by us of any such third parties.

- Erasure – you have a right to ask us in certain circumstances to erase any data we hold about you (the so called right to be forgotten). Individuals can request the right to have personal data erased to prevent processing in specific circumstances, i.e. it is no longer necessary, consent has been withdrawn, there is an objection and where applicable your rights etc., override the legitimate interests to continue our processing, or data has been unlawfully processed.
- You can object to our processing of data – this allows you to object to our processing of data about you. We must then stop processing data unless we can establish legitimate reason for continuing. In particular this applies where we are relying on our own legitimate interests or those of a third party to process data but it can also apply in other situations.
- Restricting processing – you can ask us to suspend processing of your personal data and we must then restrict processing of data. This includes where you are contesting the accuracy of a statement or the lawfulness of the processing.
- Data portability – this allows individuals to reuse their personal data for their own purposes across different services allowing them to move, copy or transfer personal data more easily.

### **Withdrawal of consent**

Where your consent provides us with the legal gateway to process data about you, you can withdraw this at any time by telling us by email or post using the telephone/addresses given above.

### **Complaints**

We operate our own internal complaints policy and if you have any concerns about the way in which we collect or handle data please contact us.

Additionally, you have the right to lodge a complaint with the Supervisory Authority who is –

Information Commissioner  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
[www.ico.org.uk](http://www.ico.org.uk)



## **TABLE**

### **Introduction**

#### **About this Table**

As necessary, we collect, use and otherwise process different categories of information (data) about you relying on the various legal gateways available to us. This relates to your proposed sales/purchase transaction and, if this goes ahead, so that we can manage the process along with associated matters. This part of this notice gives you a general description of these processing activities for the different categories of information and the purposes for which we process your information. If you consider that we have not given sufficient details of what we do then you can make an access request for more information.

#### **Background**

Selling & buying properties is a multi-faceted. As sellers and buyers are at the centre of this service, we must process your data for a large number of different purposes. Data protection law requires us to give you information about these processing activities as concisely as possible. To do so we have split information about you into different categories, which is in line with requirements in the legislation. We also have to tell you the extent for which your information can be used and shared. Due to the nature of our business information falling into one category will be combined with information in other categories to be handled by us as permitted for the stated purposes under the relevant legal gateway which we have to identify. For example, information about your identity/contact details will be combined with other categories of information to correctly identify you, e.g. when checking your identity in accordance with legal requirements. However, we only do this to the extent that it is necessary in the circumstances.

#### **Expressions used**

To make this Table as concise as possible we employ a number of expressions –

**Handle information** – collecting, compiling, using or storing information (data).

**Use information** – when we use information this means we consult it, compile it, refer to it to make a decision, or act on it, or combine it with other data. When using it in this way we may have to alter it.

**Share data** – this includes transferring data to someone else where this is necessary or receive it from a third party.

**Collect data** – this is where we receive information either from you, e.g. when you complete a customer requirements form or from a third party, e.g. a reference about you.

**Compile data** – this is where we use information about you which we have collected to generate information about you, e.g. our rent payment records or repair records.

### **Altering Data**

We are required by data protection legislation to keep your information up to date and it is of course in our own legitimate interests to do so for us to ensure that we have accurate records. For example, we keep our record of your personal details up to date as they are received.

### **Storing Data**

We keep information both electronically and in a manual filing system to maintain our records. We do this because we need to use it from time to time. Normally the legal gateway permitting us to do so which will apply will be the same as applies when we use the data. Additionally, however, there are legal obligations to retain data under data protection law, taxation legislation and housing law. We also need to do so to fulfil our contract with you. In our own legitimate interests, we also need to retain information to deal with enquiries or disputes and for audit purposes.

### **Destruction of Data**

We delete/destroy data once it is no longer needed. This is a requirement of data protection law. This notice tells you the period for which we normally store data.

### **What this Table tells you**

Information is handled as necessary from time to time. As already stated, information falling under one category can be amalgamated with or added to information in another category in order to carry out the stated purposes.

Part 1 of this Table tells you, depending on the relevant category of your information, what our processing activities are and what is the legal gateway permitting processing as well as the purpose for which we carry out these processing activities.

Where the legal gateway in question is our own legitimate interests (or those of a third party) we identify the relevant legitimate interests.

Details about sharing data are set out in Part 2, whether we transfer it to someone else or receive from a third party.

### **Part 1 – Collecting, compiling, using and storing your information**

In this Part we list out the different categories of your information, briefly explain them where needed, explain what we do with the information and why, as well as specifying the relevant legal gateway we rely on to do so.

We use the word “handle” to cover collecting, compiling, using or storing this information.

#### **Identity and contact details**

1. This includes name, contact details, date of birth
2. We handle this information in order to establish your identity. This is done to perform the contract.

#### **Personal and background information**

1. This includes details of the sellers/buyers present residence and any photographs of yourself.
2. This information is handled by ourselves and this is done for our own legitimate interests.

3. This information will also be handled if we need to trace you to contact you in connection with the sale or purchase of the property or to pursue a claim against you, e.g. for unpaid account. This is in our own legitimate interests.
4. These are to enforce your obligations.

### **Bank details**

1. This includes details of your bank, building society or other paying organisation, including those operating digitally/online.
2. We handle this information in order to receive payments from you or on occasion to make payments to you. This is done to perform our contract.
3. We also handle this information if we seek to make recovery from you of unpaid debt. These are to recover what is due to us. This is in our own legitimate interests.

### **Recovery of arrears, claims and possession proceedings**

1. In the event of non-payment of our account or other payments due, or if there is non-performance of the contract (including allegations against ourselves) then we record this and enter into relevant communications. This includes information and documentation related to any proceedings which may be commenced or brought against us in relation to these matters, including proceedings to recover possession of the property.
2. We handle this information in order to pursue recovery of what is owing to us and to enforce our rights, to defend claims, and to recover possession of the property. This is done in our own legitimate interests. These are to protect our property interests, to enforce our rights and to ensure payment due to us is made, as well as to defend any claims brought against us.

### **1. Complaints**

1. We operate a complaints procedure which may be informal. Although we will do all we can unfortunately sometimes things go wrong so complaints may arise.

2. Information handled concerns complaints which you may make or which may be made on your behalf. These will give rise to communications and records being compiled by us.
3. We handle complaints with a view to resolving these, although this might involve external intervention, e.g. by the courts.
4. We handle complaints for contract performance. This is also done in our own legitimate interests. These are to protect ourselves against claims and to ensure that the complaints are properly resolved.

### **Audio**

1. We may hold audio recordings, e.g. messages from you on telephone answering machine or mobile phone.
2. We handle audio recordings to assist with accurate record keeping. This is done for contract performance or in our own legitimate interests. These are to ensure that we have reliable records of communications.

### **Correspondence etc**

1. Correspondence includes all ways in which we receive communications from whatever source. This includes emails, text messages, social messaging and messages, letters and documentation. This can include photographs and other visual recordings.
2. We handle these communications initially relating to entering into the sales/purchase transaction and then for the progress of the process. As well as associated matters arising under the various categories of information referred to in this Table. This is done for contractual performance where applicable, to carry out any applicable legal obligations imposed on us, to protect your vital interests, or in our legitimate interests. These legitimate interests are to ensure that we have the necessary information relating to these matters and for accurate record keeping.

### **Websites and online platforms**

1. Information about you is available in the public domain, often put there by you. This can be accessed by appropriate searches which allow for access to the websites which hold this information.

2. Information about you is also made available when you access online platforms, e.g. to enquire about properties which are available for sale/purchase.
3. We handle this information to assess your suitability for the sale and/or purchase of a property. This is in our own legitimate interests This can include ensuring that contract obligations are performed. These legitimate interests are to ensure that our property interests are protected and our rights are enforced.
4. We handle information received via our online platforms for contract performance, including arranging viewings or valuations etc..

## **Part 2 – Sharing Information**

### **Introduction**

We share your information with various persons, organisations and public authorities as necessary. This involves us either transferring your information to others or collecting it from them, depending upon the circumstances. This Part of the Table gives you details about this. It can be a two-way traffic between ourselves and others. In some instances, we may collect information about you from someone else following a request by us to them to provide this information.

Where we collect information from others (third parties) we have to tell you the source of this information, whether or not it is publicly accessible, the nature of the source (i.e. whether it is publicly or privately held) and the types of organisation from whom the information is obtained. Where possible we need to name the source as well but often this cannot be done. The required details appear in this Part of the Table.

Where information is received from a private person/body or a public authority, this information will not normally be publicly accessible, however in some instances it will be. Information which will be publicly accessible will be information such as Council Tax bandings and information available in public registers, e.g. registers of births and other available public registers.

We share identity and contact details with all persons, organisations/authorities referred to below. This category of information is linked with the other information in every category for the purposes and under the legal gateway specified under each of the other categories of

information. This is to ensure that you are correctly identified and, if need be, can be contacted.

### **A – Sharing of certain categories of your information**

We share certain categories of your information (both transferring it to them and collecting it from them as necessary) with private persons/organisations and public authorities as necessary.

In Section B we go onto explain that, as necessary, certain private persons/organisations and public authorities can share any of your information (irrespective of its category).

Table 1 below identifies the different categories of your information and specifies the private persons/organisations/public authorities with whom these different categories of your information are shared as necessary. This Table should be read in conjunction with Table 2 (private persons/organisations) and Table 3 (public authorities). Tables 2 and 3 explain why we share your information with these persons/organisations/public authorities and the legal gateway which allows this to happen.

Depending on the category of data concerned you should also refer to that category under Part 1 above because the purposes set out for which we handle data and the legal gateway for doing so also usually apply when we share data with others.

**Table 1 – Data categories and who they are shared with**

<b>Data category</b>	<b>With whom we share the data</b>
Personal/background information	Vendors/buyers; debt collectors/tracing agents; insurers; banks etc.
Bank details	Our bank, credit reference agency; debt collects/tracing agents.
Money Laundering checks and verification of sellers or buyers identity	HMRC

Recovery of unpaid accounts, claims and possession	Debt collectors/tracing agents, taxation authority.
Correspondence etc.	Depending upon the applicable category of information relevant correspondence etc. is shared with any of the persons/organisations/authorities listed in Section A.
Online platforms	Vendors
Insurance	Insurers, banks etc.

**Table 2 – Private persons/organisations**

<b>Categories of persons /organisations</b>	<b>Purpose and legal gateway</b>
Vendor/buyer/conveyancer	Provide your personal information in order to carry out our contractual performance with you.
Mortgage lenders/financial advisors	Provide your personal information in order to carry out our contractual performance with you.
Debt collectors/tracing agents	To trace you or make a claim in our legitimate interests. These are to enforce our legal rights.
Web sites, portals etc.	Undertaking searches and obtaining publicly available information relevant to your suitability for a sale/purchase and the property. This is undertaken in accordance with applicable data protection law and guidance and subject to data protection principles. In connection with your application for a tenancy, we may receive information via any online portal involved for contractual performance.

**Table 3 – Public Authorities**

HMRC	Money Laundering checks for the performance of our legal obligations
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**B – Private persons/organisations/public authorities with whom any information is shared** As necessary, we share all of your information (irrespective of its category) with certain private bodies/organisations/public authorities. This includes transferring your information to them and receiving it from them. These are



<b>Category of person/organisation/public authority</b>	<b>Purposes and legal gateway</b>
Professional advisers	Assistance and advice regarding the management of the sale/purchase of the property for contractual performance. Where we handle your information under some other gateway and a professional adviser assists or advises this will for the same purpose and under the same legal gateway. If it is in the legitimate interests of ourselves or someone else then those interests will be the same. These are to ensure that we act appropriately and properly as well as according to the law.
Police/law enforcement agencies*	Prevention/detection of crime and anti-social behaviour in our and their legitimate interests. This is to protect our property and enforce our rights and to enforce the law.
Regulatory authorities*	To carry out their functions in their legitimate interests. These are to enforce legal requirements. On occasion, we may be under a legal obligation to provide your information, particularly if a notice to that effect is served on us. This can include an ombudsman or accreditation or similar scheme of which we are a member. It also includes water companies, utility providers who are exercising their functions as statutory undertakers.
Letting and managing agents	To let or manage the property in our and our client's legitimate interests. These are so that the tenancy and the property are effectively let and managed.
Courts*	The administration of Justice in our legitimate interests. These are to pursue and defend claims.

\* These are public authorities

**Names of persons/organisations/public authorities with whom information is shared**

Where we are able we have to provide you with the identity of the persons/organisations/authorities which are referred to in Tables 1, 2 and 3 above.

<p>Email &amp; Website/host provider: PWDP Ltd, The Brambles, White Gritt, Shrewsbury SY5 0JL Company No. 9618765</p>
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